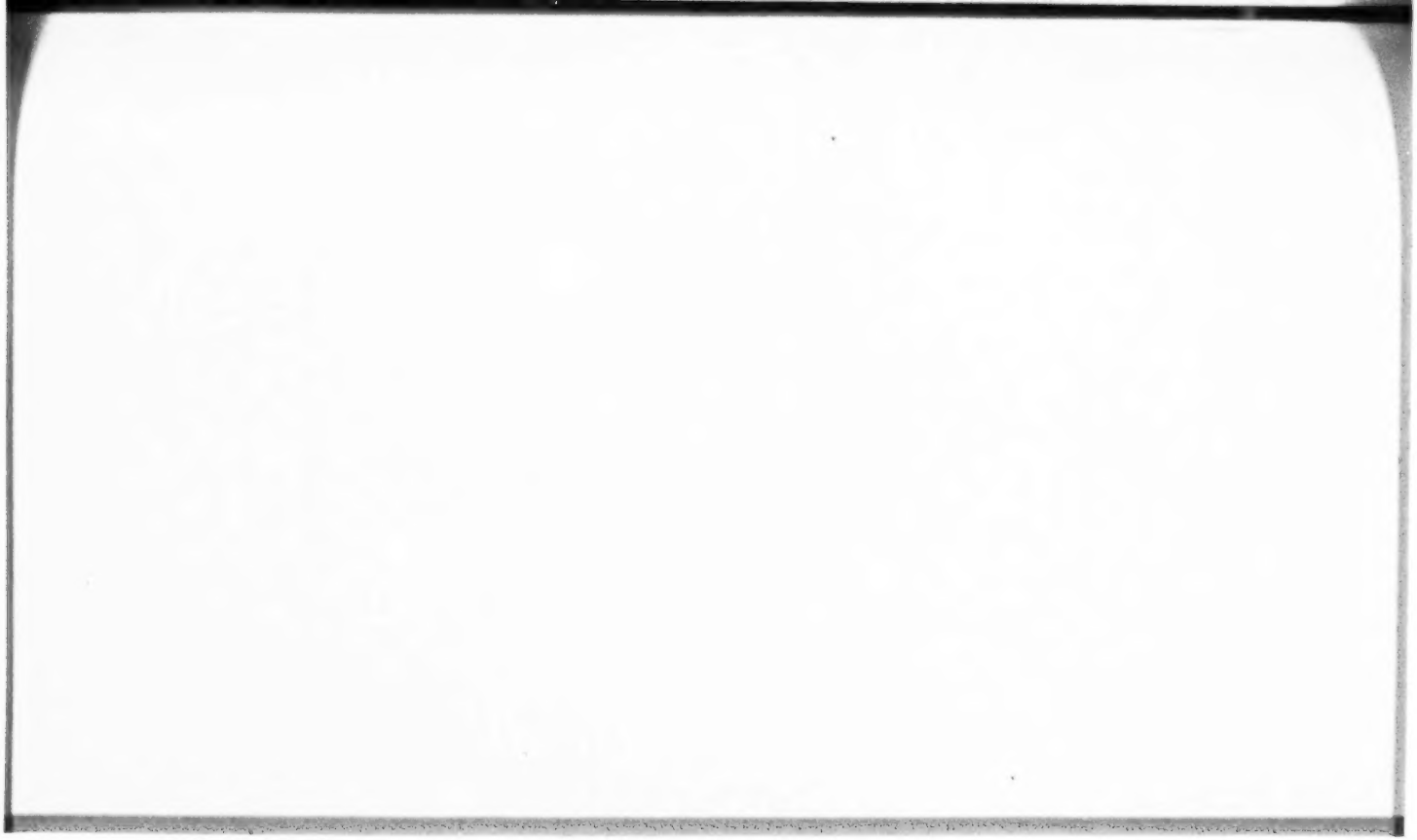

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JAMES H. MCKENNEY,
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No. 194.
Reply Brief of Plaintiff in Error.
Filed Mar. 12, 1901.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1900.

THE SUPREME LODGE KNIGHTS OF PYTHIAS OF THE WORLD, PLAINTIFF IN ERROR, v. LILLIAN H. BECK.	No. 194.

REPLY BRIEF FOR PLAINTIFF IN ERROR.

No point made in the brief for plaintiff in error is answered in brief for defendant in error in such a manner as to call for a reply. We however desire to notice the statement repeatedly made in brief for defendant in error that the gun produced in court and used by defendant in error in the experiments before the jury was produced by the plaintiff in error as the gun with which Beck killed himself. There is not even the shadow of evidence in this record to sustain such a contention. A gun was handed to a witness for plaintiff in error in order that he might illustrate the manner in which the deceased was supposed to have committed suicide. No evidence whatever was

produced to establish that this was the gun with which Beck was killed, nor could the jury infer from the evidence given by the witness that such was the fact. It does not appear from the record who brought this gun into court. The present counsel for plaintiff in error was not present at the trial, and has no knowledge upon this subject. He is dependent, like the court, upon the record for his knowledge of the testimony given there. There is absolutely no evidence in this record that the gun was conceded to be the gun with which Beck killed himself. On the contrary, that pretence was disputed at the first opportunity, when the misleading experiment was made by the brother of Beck. What the fact is as to the gun used on this trial we have no means of knowing. It may have been a gun brought into court by the defendant in error, and used by plaintiff in error in illustration of matters not depending in any way on the particular kind of gun used, or it may have been a gun selected at random by the plaintiff in error for that purpose, and then adroitly used by defendant in error for the purpose of misleading the jury, because of its unusual length. But it was certainly not produced by the plaintiff in error as the gun with which Beck killed himself, and that theory was strenuously opposed as soon as made.

Respectfully submitted,

CARLOS S. HARDIE,

Attorney for Plaintiff in Error.